

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NELSON LORNA-PENA,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATIONS,  
UNITED STATES MARSHALS SERVICE,  
DEPUTY U.S. MARSHAL ROBERT DENNEY,  
DEPUTY U.S. MARSHAL JACK LEO,  
DEPUTY U.S. MARSHAL WILLIAM DAVID,  
SUP. DEPUTY U.S. MARSHAL THOMAS DAVIS,  
FUGITIVE APPREHENSION TASK FORCE,  
TASK FORCE OFFICERS FLETCHER, DAILY,  
and BOWERS, and STATE TROOPER HAHN,

Defendants.

Civil Action No. 06-442-SLR

**PLAINTIFF'S STATEMENT OF  
DISPUTED FACTUAL ISSUES**

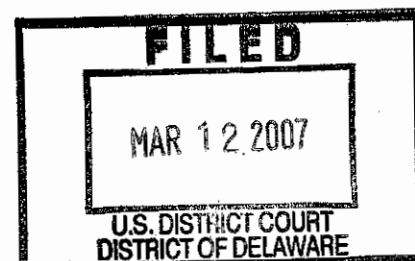


Defendants have moved for summary judgment or to dismiss plaintiff's claims concerning the use of force and failure to protect. Pursuant to the Local Rules of this Court, the plaintiff respectfully submits the following list of genuine issues of material fact that require the denial of the defendants' motion.

1. Whether the plaintiff offered any resistance or disobedience to defendants Leo, Denney, David, Davis, Fletcher, Daily, Bowers, and Hahn before they assaulted and failed to protect him.

2. Whether the plaintiff offered any resistance or disobedience to those defendants before they opened the doors of his home.

3. Whether the plaintiff offered any resistance or disobedience to those defendants when they entered his home.



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4. Whether defendants Leo' and David's actions in effectuating plaintiff's arrest were objectively reasonable without regard for their underlying intent or motivation.

5. Whether the force utilized by the defendants against plaintiff was applied in a good-faith effort to maintain or restore discipline or maliciously and sadistically to cause harm.

6. Whether the plaintiff's injuries resulted from his own acts of resistance to the defendants or from their purposeful use of unnecessary force.

Date: February 14, 2007

Respectfully submitted,



/s/ Nelson Lorna-Pena

NELSON LORNA-PENA

Reg. No. 03883-070

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